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AN ACT

TO REGULATE THE PRACTICE OF MEDICINE IN KANSAS.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. Every person in this State practicing medicine or surgery in any of its departments shall possess the qualifications required by this act. Every such person shall present his diploma to one of the boards of examiners herein named, together with the affidavit mentioned in section four of this act. If the board shall find all the facts required to be stated in said affidavit to be true, the board of examiners shall issue its certificate to that effect, signed by a majority of all the members thereof, and sealed with the seal of the board; and such certificate shall be conclusive as to the rights of the person named therein to practice medicine and surgery in any part of this State.

SEC. 2. The Kansas Medical Society, the Eclectic Medical Society of the State of Kansas, the Homeopathic State Medical Society, corporations organized and existing under and by virtue of the laws of this State, or either of them (and no other corporation, society, person or persons), shall each appoint, annually, a board of examiners, consisting of seven members, who shall hold their office for one year, and until their successors shall be chosen and qualified. The examiners so appointed shall go before some judge of the district court or probate judge of this State and make oath that they are graduates of either the Allopathic, Eclectic, or Homeopathic schools, and that they will faithfully perform the duties of their office. Vacancies occurring in a board of examiners shall be filled by the society appointing it, by the selection of alternates or otherwise. The boards of examiners now organized or existing, or that may be hereafter organized under and by virtue of their appointments by any of the societies mentioned in this section, shall continue

to act as such boards until their successors are appointed at the annual election.

SEC. 3. The boards of examiners shall organize within three months after the passage of this act. They shall procure a seal, and receive through their secretary applications for certificates and examinations. The president of each board shall have authority to administer oaths, and the board take testimony, in all meetings relating to their duties. They shall issue certificates to all who furnish satisfactory proof of having diplomas or licenses from legally-chartered medical institutions in good standing. They shall prepare two forms of certificates—one for persons in possession of diplomas or licenses, the other for candidates examined by the board. They shall send to the county clerk of the several counties of this State a list of all persons receiving certificates. In selecting places to hold their meetings, they shall, as far as is reasonable, accommodate applicants residing in different sections of the State, and due notice shall be published of all their meetings. Certificates shall be signed by all the members of the board granting them, and shall indicate the medical society to which the examining board is attached. The board shall meet within thirty days after application made to its secretary by any person desiring examination.

SEC. 4. Said board of examiners shall examine diplomas as to their genuineness, and if the diploma shall be found genuine, as represented, the secretary of the board of examiners shall receive a fee of five dollars from each graduate or licentiate, and no further charge shall be made to the applicant; but if it be found to be fraudulent or not lawfully owned by the possessor, the board shall be entitled to charge and collect twenty dollars of the applicant presenting such diploma. The applicant shall accompany his diploma with an affidavit stating that he is the lawful possessor of the same; that he is the person therein named; that the diploma was procured in the regular course of medical instruction, and without fraud or misrepresentation of any kind, and that the medical institution granting the diploma had at the time of the granting the same a full corps of medical instructors, and was at the said time a legally-incorporated institution actually and in good faith engaged in the business of medical education, and in good standing as a medical institution, and that the applicant had complied with all the requirements of said institution. Such affidavit may be taken before any person authorized

to administer oaths, and the same shall be attested under the hand and official seal of such officer, if he have a seal. In addition to such affidavit, the board of examiners may hear such further testimony as in their discretion they deem proper to hear as to the verification of any such diploma, or as to the identity of the person named therein, or as to the manner in which any such diploma was procured, and if it should appear from such testimony that any fact stated in said affidavit is untrue, the application of such person for a certificate shall be rejected. None of said boards shall entertain an application which has been rejected by another of said boards, nor shall any rejected application be renewed until at least one year after the action of the board rejecting the same.

SEC. 5. All examinations of persons not graduates shall be made directly by the board, and the certificates given by the boards shall authorize the persons to practice medicine and surgery in the State of Kansas.

SEC. 6. Every person holding a certificate from a board of examiners, shall have it recorded in the office of the county clerk of the county in which he resides, and the recording of the same shall be indorsed thereon. Any person removing to another county to practice, shall procure an indorsement to that effect on the certificate from the county clerk, and shall record the certificate in like manner in the county to which he removes, and the holder of the certificate shall pay to the county clerk the usual fees for making the record.

SEC. 7. The county clerk shall keep in a book provided for that purpose, a complete list of the certificates recorded by him, with the date of the issue, and the name of the medical society represented by the board of examiners issuing them. If the certificate be based on a diploma or license, he shall record the name of the medical institution conferring it, and the date when conferred. The register of the county clerk shall be open to public inspection during business hours.

SEC. 8. Candidates for examination shall pay a fee of five dollars, in advance. The fees received by the board shall be paid into the treasury of the medical society by which the board shall have been appointed, and the expenses and compensation of the board shall be subject to arrangement with the society.

SEC. 9. Examinations may be in whole or in part in writing, and shall be of an elementary and practical character, but suffi-

ciently strict to test the qualifications of the candidate as a practitioner.

SEC. 10. Each of said board of examiners may from time to time adopt such rules as may be necessary to the orderly conduct of all proceedings taken and had before it. It shall be the duty of the secretary of the respective boards to notify the secretary of all other boards provided for under this act of all applicants to whom licenses may have been refused, together with the reasons of such refusal of such boards.

SEC. 11. Any person shall be regarded as practicing medicine, within the meaning of this act, who shall profess publicly to be a physician, and engage in the practice of medicine, or who shall habitually prescribe for the sick, or who shall append to his name the letters "M. D." But nothing herein contained shall be construed to prohibit gratuitous services. And this act shall not apply to lawfully-commissioned surgeons of the United States army or navy practicing their profession within the limits of this State.

SEC. 12. Any person habitually practicing medicine in this State, without complying with the provisions of this act, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days nor more than one year, or by both such fine and imprisonment for such offense. And any person filing or attempting to file as his own the diploma or certificate of another, or a forged affidavit of identification, shall be guilty of a felony, and upon conviction shall be subject to such fine and imprisonment as are made and provided by the statutes of this State for the crime of forgery in the fourth degree: *Provided*, That no person who holds a certificate heretofore granted, by either of the societies mentioned in the second section of this act, shall be compelled to procure a new certificate, or be liable to any penalty for failing to do so: *And provided further*, That the provisions of this act shall not apply to those persons who have been practicing medicine within this State continually for five years prior to the taking effect of this act. When such persons have submitted proof of such continuous practice as herein provided, a certificate shall be issued to them, as is provided for in section 3 of this act.

SEC. 13. Any person assuming to act as a member of a board of examiners under this act, or who shall sign, or subscribe, or

issue, or cause to be issued, or seal, or cause to be sealed, a certificate authorizing any person to practice medicine or surgery in this State, except the person so acting and doing be appointed by one of the societies mentioned in section two of this act, or be authorized to do so by a board of examiners, appointed by one of said societies, shall be deemed guilty of a felony, and shall be punished by a fine of not less than five hundred dollars, or by imprisonment in the State Penitentiary for a period of not less than one year, or by both such fine and imprisonment.

SEC. 14. Should either of said boards issue a certificate to any person whose application for certificate has been previously rejected by another of said boards within one year after the rejection of said application, then in such case the certificate issued as aforesaid to such rejected applicant shall be null and void and of no effect.

SEC. 15. If any person not a graduate or licentiate of medicine has been unable to present himself for examination to any of said boards, as provided in section 1 of this act, then in such case it shall be lawful for either of said boards, on good cause shown why said person was unable so to present himself for examination within the time limited in the fifth section of this act, to examine such person touching his qualifications to practice medicine or surgery; and if said examination shall be satisfactory to the board, it shall thereupon issue its certificate in accordance with the facts, and the lawful holder thereof shall be entitled to all the rights and privileges of graduates or licentiates to whom certificates have been issued under this act; but no such examination shall be had after the first day of April, eighteen hundred and eighty. This act shall have no application to any county in this State unless a member or members of one of the boards provided for in section 2 of this act, duly qualified, shall have held a meeting for examination of physicians within said county, nor shall it apply to any lady practicing midwifery.

SEC. 16. Every person who shall willfully and corruptly swear, testify or affirm falsely to any material matter upon any oath or affirmation or declaration legally administered in any matter or proceeding before said board of examiners, or either of them, under the provisions of this act, shall be deemed guilty of perjury.

SEC. 17. This act shall take effect and be in force from and after the first day of June, eighteen hundred and seventy-nine.

Approved February 27, 1879.

